

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICKY PATU,

Plaintiff,

v.

SHERYL ALLBERT, et al.,

Defendants.

Case No. C14-0765-MJP

ORDER DISMISSING ACTION

This matter is before the Court on the Report and Recommendation of the Honorable Chief United States Magistrate Judge Mary Alice Theiler and Plaintiff's motion to file a second amended complaint. Judge Theiler recommended dismissal of Plaintiff's in forma pauperis action prior to service pursuant to 28 U.S. C. § 1915(e)(2)(B) without prejudice because Plaintiff has not alleged sufficient facts to sustain a cause of action under 42 U.S.C. § 1983. (Dkt. No. 11 at 4.) Plaintiff did not file objections to the Report and Recommendation. Plaintiff filed with the Court a note stating simply, "I would like to amend my complaint regarding Patu v. Allbert." (Dkt. No. 12.) Plaintiff did not provide a proposed second amended complaint.

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01 Local Civil Rule 15 requires a party who wishes to amend a pleading to attach a copy of
02 the amended pleading to the motion to amend. The purpose of this rule is to allow the Court to
03 evaluate whether or not leave to amend would be frivolous in a particular case. Because
04 Plaintiff did not attach a proposed amended Complaint, or articulate in any way what type of
05 amendment he intended to make in a second amended complaint, the Court DENIES Plaintiff's
06 motion to amend. (Dkt. No. 12.)

07 The Court, having reviewed plaintiff's amended complaint, the Report and
08 Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge,
09 Plaintiff's request to file an amended complaint, the remaining record, and noting no objections
10 were filed, does hereby find and Order:

11 (1) The Court adopts the Report and Recommendation;

12 (2) Plaintiff's amended complaint (Dkt. 8) and this action are DISMISSED without
13 prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B); and

14 (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge
15 Theiler.

16 DATED this 2nd day of September, 2014.

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19 MARSHA J. PECHMAN
20 Chief United States District Judge